

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DOC#:

DATE FILED: ~~1-23-20~~

3-2-20

JEFFREY H. BATTER and CHERYL
BATTER, on Behalf of Themselves and All
Others Similarly Situated,

Plaintiff,

v.

HECLA MINING COMPANY, PHILLIPS S.
BAKER, JR., LINDSAY A. HALL, and
LAWRENCE P. RADFORD,

Defendants.

Civil Action No.: 1:19-cv-04883-ALC

CLASS ACTION

Hon. Andrew L. Carter, Jr.

MEMO ENDORSED

ARUN BHATTACHARYA, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

HECLA MINING COMPANY, PHILLIPS S.
BAKER, JR., LINDSAY A. HALL, and
LAWRENCE P. RADFORD,

Defendants.

Civil Action No.: 1:19-cv-05719

CLASS ACTION

**NOTICE OF MOTION OF RICHARD C. WHITMIRE FOR CONSOLIDATION OF
THE ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF
SELECTION OF LEAD COUNSEL**

**TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Richard C. Whitmire ("Movant") respectfully withdraws his motion for consolidation of the above-captioned actions (the "Actions"), appointment as Lead Plaintiff and approval of his selection of Lead Counsel. On July 23, 2019, Movant timely filed a motion for appointment as Lead Plaintiff and approval of selection of counsel, stating that he

suffered losses of approximately \$50,444.35 in financial losses in connection with his purchases of Hecla Mining Company ("Hecla" or the "Company") from March 19, 2019 and May 8, 2019, both dates inclusive. Similar motions for consolidation of the Actions, appointment as lead plaintiff, and approval of selection of counsel were filed by other putative class members in the Actions.

The Private Securities Litigation Reform Act of 1995 ("PSLRA") provides a presumption that the "most adequate plaintiff" to represent the interests of class members is the person or group that, among other things, has "the largest financial interest in the relief sought by the class." 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Based upon a review of the competing motions and supporting papers provided by the other movants seeking appointment as lead plaintiff, it appears that, while Movant is well-qualified to serve as Lead Plaintiff in the Actions, he does not possess the "largest financial interest in the relief sought by the class" as required by the PSLRA. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb).

This withdrawal shall have no impact on the Movant's membership in the proposed class, his right to share in any recovery obtained for the benefit of the class, and his ability to serve as a representative party should the need arise.

Dated: July 29, 2019

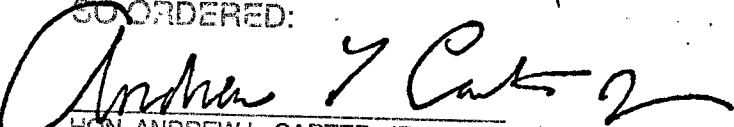
Respectfully Submitted,

LEVI & KORSINSKY, LLP

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*Lead Counsel for Movant and [Proposed]
Lead Counsel for the Class*

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

1-23-20

**Movant's Motion to Withdraw his Motion
for Consolidation and Appointment as Lead Plaintiff is GRANTED.
Accordingly, Movant's previous motion for Consolidation and Appointment
is DENIED as moot. See ECF #51**